Bank of Hawaii

LIMITED.

incorporated under the Laws of the Territory of Hawaii.

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Strict attention given to all branches of Banking.

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The Yokohama Specie Bank Lic

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HEAD OFFICE: YOKOHAMA. Interested Allowed. On fixed deposit for 12 months, 4 per

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cent per annum. The bank buys and receives for collection Bills of Exchange, issues prafts application. and Letters of Credit, and transacts a general banking business.

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We have for sale several choice parcels of land very suitable for residence purposes which are genuine bargains, also for sale on easy terms lot 98 by 131 with cottage of seven rooms, well situated.

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On Beretania street, cottage of six rooms and bath, partly furnished, and several very desirable cottages in different parts of the city.

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Pais Plantation Company. Nahiku Sugar Company, Kihel Plantation Company, Hav iian Sugar Company, Kahului Railroad Company, and A. and B. Line, Edward May, Emily F. Whitney, W. B. Flint.

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Supply \$20 Belt for \$5. Dr. Alden's Liectric Dell Warranted genuine. Not a toy No humbug. It cures without drugs. Circulars free.

Magoon Cannot Be Tried Until Then.

UNTIL FEBRUARY

Accessory Cannot be Tried Until After Conviction of Principal.

William H. Wright must first be convicted of taking \$17,000 from the Territory of Hawaii before J. Alfred Magoon can be brought to trial on the charge of being an accessory. Upon objection of Magoon to pleading yesterday the trial was continued for the term, and Magoon will remain with the indictment hanging over his head until the absconding treasurer is captured and convicted.

Magoon's case was the first called up before Judge De Bolt yesterday morning, the defendant being represented by E. C. Peters and A. S. Humphreys, though half a dozen other law firms signed the papers as his attorneys. Deputy Attorney General Cathcart

appeared on behalf of the Territory. An objection to the indictment was first presented, setting out the same grounds as in James H. Boyd's first challenge of the grand jury, this motion being promptly overruled. Objection was then made to a plea at this time on the ground that W. H. Wright the principal in the case had not been convicted of embezzlement. Magoon alleges in his affidavit:

"That your affiant is informed and believes and upon such information and belief deposes it to be the fact that heretofore, to wit: on the 24th day of September, 1902, the aforesaid William Harrison Wright, so indicted as aforesaid, did depart from the Territory of Hawaii to parts to your affiant unknown and ever since last named day has been and now is, absent from the Territory of Hawaii;

"That on the 19th day of November, 1902, the Honorable J. T. De Bolt, First Judge of the above named court, did order a warrant of arrest to be issued from said court, commanding the High Sheriff of the Territory of Hawaii, his Deputy the Sheriff of the Island of Oanu, or his Deputy, to arrest and take the body of the said William Harrison Wright and forthwith have his body before said court, to answer the indictment against him, the said Wright, but the said warrant of arrest remains unserved or executed, and the said Wright is not now in custody: that your affiant is informed and believes and upon such information and belief deposes it to be the fact that the said High Sheriff and his deputies have made true and diligent search for the said William Harrison Wright within the Territory of Hawaii but have been unable to find the said Wright or to ascertain his whereabouts, and that one Duffey, Deputy Sheriff of the Island of Oahu, has made diligent search for the said Wright within the State of California, but after dliigent search and inquiry has been unable to find or ascertain the whereabouts of the said Wright.

"That your affiant has been indicted by said grand jury as aforesaid separate and apart from the said William Harrison Wright, and the said William Harrison Wright has not been convicted of the crime of embezzlement as charged in said indictment against him, nor subject to the jurisdiction of this nor subject to the jurisdiction of this O court, and by the law of this land your affiant cannot be compelled to plead to the indictment herein or proceed upon | the trial of his said cause until after the conviction of the said Wright of the crime of embezzlement as charged us aforesaió.,

"J, ALFRED MAGOON."

It was contended on behalf of Magoon that Wright must first be found guilty of embezzlement before he could be tried as accessory, and it was further set out that a plea to the indictment was a part of the trial. There was a long argument over the questions by the defendant's attorneys, but Cathcart after replying briefly, stated that ne would make no objection to a postponement of the plea.

Judge De Bolt stated that as there was no objection from the prosecution he would allow the motion. He stated that he did not see that any good purpose could be served by a plea at this time, as there was no chance for a trial at the present term of court. He held that as the guilt of the accessory depended upon the conviction of the principal, it could not be determined at this time, in any event. A continuance was granted for the term, Humphreys requesting that it not be taken up until the next regular term, as he intended to go to Washington at the end of the month, and would not return until

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"	"	- 66	small	66	with Brandy, each	15c
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Apple,	Custa	ard, 1	Peach,	Cra	nberry, Pumpkin, Lemon and	
Ве	erry P	ies, la	rge			25c
Same	Filling	g, in s	mall	Pies		10c
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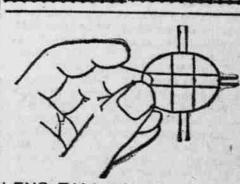
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